

Attorney's Docket No.: 08935-245001 / M-4962

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James J. Cervera et al.
Serial No. : 09/902,884
Filed : July 11, 2001
Title : BATTERY

Art Unit : 1746
Examiner : Jonathan Crepeau

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER

DEC 21 2004

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Examiner's reasons for allowance of claims 1, 4-9, and 28-38 in the Office Action mailed September 23, 2004, Applicants do not concede that the reasons for allowance given by the Examiner are the only reasons for which the claims are allowable. The claims are also allowable for other and independent reasons, including the reasons set forth in Applicants' prior communications. Applicants also do not necessarily agree with the Examiner's characterization of the cited references.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: DECEMBER 21, 2004

Tu N. Nguyen
Tu N. Nguyen
Reg. No. 42,934

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20996455.doc

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

December 21, 2004
Date of Transmission

Diane C. Brown
Signature

Diane C. Brown
Typed or Printed Name of Person Signing Certificate